



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Heiner Markhoff, President  
G.E. Betz Inc.  
4636 Somerton Road  
Trevose, PA 19053

SEP 27 2017

RE: NOTICE OF WARNING - Case No.: #F-17-109

Dear Mr. Markhoff:

This Notice of Warning ("NOW") is issued pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA"), as amended, 7 U.S.C. § 136g(c)(3).

The United States Environmental Protection Agency ("EPA" or "Agency") is taking this action based on a May 13, 2015, EPA inspection conducted at the G.E. Betz Bensalem Plant located at 3600 Progress Drive, Suite 300 in Bensalem, Pennsylvania. During the inspection, the following products were observed as packaged and ready for release for sale and distribution:

Documented Product Name	EPA Product Registration
Spectrus NX122	3876-147
Spectrus OX1200	3876-150

During the inspection, labels for the products "Spectrus NX122" and "Spectrus OX1200" were obtained and documented by EPA. According to Agency records:

- there appears to be no records to show "Spectrus NX122" being registered with EPA under Product Registration #3876-147 as a pesticide, or as an alternative brand name for "Slimicide DE-1220", which was assigned EPA Product Registration #3876-147 on February 8, 1990;
- there appears to be no records to show "Spectrus OX1200" being registered with EPA under Product Registration #3876-150 as a pesticide, or as an alternative brand name for "Bio-Trol 88P", which was assigned EPA Product Registration #3876-150 on March 03, 1994.

Pursuant to Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), a pesticide is "misbranded" if: (C) it is an imitation of, or is offered for sale under the name of, another pesticide. Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person in any

State to distribute or sell to any person any pesticide that is considered to be misbranded under this Act. The sale or distribution of "Spectrus NX122" and "Spectrus OX1200" is considered to be an unlawful act under FIFRA § 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E).

To come into compliance, GE Betz, Inc. may: (1) discontinue all sales and distribution of "Spectrus NX122" and "Spectrus OX1200" and remove these products from all channels of trade; (2) obtain EPA product registrations and label the products referenced in this letter to meet the requirements of FIFRA and applicable regulations; or, (3) remove all pesticidal claims from all packaging, labeling, and advertising/promotional materials related to "Spectrus NX122" and "Spectrus OX1200". Any future distribution or sale of these or other pesticides that are not in compliance with the requirements of FIFRA may subject G.E. Betz, Inc. to enforcement actions under FIFRA §§ 13 and 14, which provide for Stop Sale, Use or Removal Orders, civil penalties up to \$19,057 per violation, and criminal penalties for violations of FIFRA.

Within fourteen (14) days of receipt of this NOW, please provide EPA with a written description of the actions taken by G.E. Betz, Inc. with respect to the products referenced in this letter.

If you have any questions concerning this NOW, please contact Kyla Townsend-McIntyre by phone at 215-814-2045, by email at [townsend.kyla@epa.gov](mailto:townsend.kyla@epa.gov), or by mail at:

Kyla L. Townsend-McIntyre  
Pesticide and Asbestos Programs Branch (3LC42)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

EPA has determined that your company may be a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). Please see the enclosure to this letter which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Fatima El-Abdaoui, Ph.D., Chief  
Pesticides and Asbestos Programs Branch

Enclosures

cc: L. Brylewski, PDA (w/o Enclosure(s));

G.E. Betz Inc.  
3600 Progress Drive, Suite 300  
Bensalem, PA 19020

If you have any questions concerning this NOW, please contact Kyla Townsend-McIntyre by phone at 215814-2045, by email at townsend.kyla@epa.gov, or by mail at:

Kyla L. Townsend-McIntyre  
Pesticide and Asbestos Programs Branch (3LC62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 191032029

EPA has determined that your company may be a "small business" under the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"). Please see the enclosure to this letter which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, a decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,

Fatima El-Abdaoui, Ph.D., Chief  
Pesticides and Asbestos Programs Branch

Enclosures

cc: L. Brylewski, PDA (w/o Enclosure(s))

G.E. Betz Inc.  
3600 Progress Drive, Suite 300  
Bensalem, PA 19020

FIFRA: #F-17-109 - G.E. Betz Inc. (NOW)

CONCURRENCES

SYMBOL	3LC42	3LC42					
SURNAME	Townsend-McIntyre	El-Abdaoui KEA					
DATE		9/18/17					

EPA Form 1320-1 (12-70)

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